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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,887	02/24/2004	Osamu Tachiyama	043118-0140	9963
22428 7590 01/14/2008 FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			EXAMINER HILLERY, NATHAN	
			ART UNIT 2176	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/784,887

Applicant(s)

TACHIYAMA ET AL.

Examiner

Nathan Hillery

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 2/24/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: Oath/Declaration filed on 7/12/04.
2. Claims 1 – 9 are pending in the case. Claims 1, 4, 6 – 9 are independent.

Priority

3. Applicant is advised of possible benefits under 35 U.S.C. 119(a)-(d), wherein an application for patent filed in the United States may be entitled to the benefit of the filing date of a prior application filed in a foreign country.
4. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.
5. Should applicant desire to obtain the benefit of foreign priority under 35 U.S.C. 119(a)-(d) prior to declaration of an interference, a certified English translation of the foreign application must be submitted in reply to this action. 37 CFR 41.154(b) and 41.202(e).

Failure to provide a certified translation may result in no benefit being accorded for the non-English application.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claim 9 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 9 is considered software per se. Computer programs may be explicitly claimed as, for example, a series of code or instructions for performing functions or may be implicitly claimed as, for example, a system, a module or an apparatus, the former being the case here in the form of an information management program.

Thus a claim to functional descriptive material, including computer programs, per se, is not patent eligible subject matter. It should be noted that functional descriptive material claimed in combination with an appropriate computer storage medium to enable the functionality to be realized is patent eligible subject matter if it is capable of producing a useful, concrete and tangible result when used in the computer system.

8. Further, to expedite a complete examination of the instant application, the claims rejected under 35 U.S.C. 101 (nonstatutory) above are further rejected as set forth below in anticipation of applicant amending these claims to make them statutory.

Claim Objections

9. Claims 4 and 5 are objected to because of the following informalities: the cited "MID" in claim 4, line 15 appears to be a typo and appears to be "MIB". Appropriate correction is required.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1 – 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (US 20020091944A1) and further in view of Trzcinko et al. (US 20030200301A1).

12. **Regarding independent claim 4**, Anderson et al. teach that SNMP uses a configuration database known as a management information base, or MIB. In essence, the MIB contains information of each managed device including such things as a list of capabilities and variables and the address by which the device may be reached. The address of each device is composed of a unique object identifier, or OID (paragraph block 0008), which meet the limitation of **an MIB information storage section that stores MIB information indicating device status of said business device**;

Anderson et al. teach that the RMS can interpret messages that are not in the SNMP protocol. In that embodiment the interpretation is performed by an SNMP translator. The SNMP translator translates system messages between SNMP and non-SNMP message types. For example, a system may have facilities for communication through the HTTP protocol and not the SNMP protocol. An SNMP translator may handle translation between SNMP and HTTP, and other message protocols (paragraph block 0078), which meet the limitation of **a communication route judging section that judges whether a communication route is the intranet or the Internet**, since Applicant discloses within the prior art that in order to allow an MFP to be accessed from a PC on the Internet, a firewall needs to be provided at the entrance to the MFP to prevent unauthorized access. However, such a firewall has no communication port for SNMP (Specification, p 2, lines 8 – 19).

Therefore, when the system disclosed by Anderson et al. receives messages not in SNMP, the communication route is probably the Internet thus one of ordinary skill in the art at the time of the invention would appreciate that the translation from SNMP to HTTP is made when the communication route is most likely the Internet.

Anderson et al. teach that enterprise management system 216, which uses the SNMP protocol, will send status requests for each device 200 to be displayed. SNMP translator will receive each status request message, translate each message from SNMP to messages in the notification channel protocol, place those messages in the notification channel, wait for and receive the responses from the notification channel, translate the responses back to SNMP and transmit those response messages to the enterprise management system 216 (paragraph block 0043) and that a message in the notification protocol must contain at least two information fields. Optionally an SNMP OID may be contained in the message to facilitate delivery to the destination (paragraph block 0037), which meet the limitation of **an SNMP (Simple Network Management Protocol) data processing section that extracts, when the communication route is said intranet, OID corresponding to an OID request command from said second information device from said MIB information and processes said OID into a form that can be communicated via SNMP;**

Anderson et al. teach that the RMS can interpret messages that are not in the SNMP protocol. In that embodiment the interpretation is performed by an SNMP translator. The SNMP translator translates system messages between SNMP and non-SNMP message types. For example, a system may have facilities for communication

through the HTTP protocol and not the SNMP protocol. The SNMP translator contains logic that matches SNMP objects with HTTP message objects so that when the translator receives an HTTP message, it matches the message objects with the corresponding SNMP message objects so that an RMS can use and respond to the message (paragraph block 0078), which meet the limitation of **an HTTP (Hyper Text Transfer Protocol) data processing section that extracts, when the communication route is said Internet, OID corresponding to an OID request command from said first information device from said MIB information, processes said OID into a form that can be communicated via HTTP; and**

Anderson et al. teach that An SNMP translator may handle translation between SNMP and HTTP, TCP/IP, XML, and other message protocols (paragraph block 0078), which meet the limitation of **a TCP/IP (Transmission Control Protocol/Internet Protocol) that transmits the OID processed by said SNMP data processing section or said HTTP data processing section via a standard protocol used on the Internet.**

Anderson et al. do not explicitly teach **an HTTP (Hyper Text Transfer Protocol) data processing section that describes said OID as tag information in XML ((Extensible Markup Language);**

Trzcinko et al. teach that an exemplary HTML file is illustrated in FIG. 6 and described above. The selected HTML file typically includes HTML tags defining data fields, object identifiers assigned to MIB objects representing the data fields, and pairs of OID begin and end markers encapsulating each OID (paragraph block 0030) and that

FIG. 6 merely illustrates an example where HTML is used to represent or describe network management web page 500, as shown in FIG. 5. In practice, network management web page 500 can be represented or described using other mark-up languages, such as XML or the like (paragraph block 0025), which meet the limitation of **an HTTP (Hyper Text Transfer Protocol) data processing section that describes said OID as tag information in XML ((Extensible Markup Language);**

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the invention of Anderson et al. with that of Trzcinko et al. because such a combination would provide the users of Anderson et al. with a system and method for using a web browser to manage network devices including a network management station which has a web browser to submit Hyper Text Transfer Protocol (HTTP) requests for a mark-up language file that contains one or more embedded object identifiers and a network device which has an embedded web server to process the HTTP requests (paragraph block 0003).

Regarding dependent claim 5, Anderson et al. do not explicitly teach wherein said HTTP data processing section includes: an OID detection section that detects said OID communicated via said Internet and sends said OID to an MIB processing section; and an XML data preparation section that describes the OID obtained from said MIB processing section as tag information in XML.

Trzcinko et al. teach that the OID begin marker, which does not appear in any ordinary HTML, signifies to CGI GET handler that the following text is an OID. At this

stage, CGI GET handler invokes the OID parser to parse out or extract the OID (block 720). Then, CGI GET handler invokes the SNMP agent to retrieve the data associated with the MIB object corresponding to the extracted OID, constructs an HTML stream, and copies the retrieved data associated with the MIB object into the HTML stream (block 735) (paragraph block 0034), which meet the limitation of **wherein said HTTP data processing section includes: an OID detection section that detects said OID communicated via said Internet and sends said OID to an MIB processing section;**

Trzcinko et al. teach that once the HTML stream is constructed, the network device uses the embedded web server to send the constructed HTML stream to the web browser on the network management station (block 740). The network management station then uses the web browser to display the constructed HTML stream on a graphics monitor (block 745) (paragraph block 0037) and that it should be noted that in FIG. 7 and the following text describing FIG. 7, HTML is used merely for illustrative purposes. As stated above, other mark-up languages, such as XML or the like, can be used in place of HTML to practice the current invention (paragraph block 0028), which meet the limitation of **an XML data preparation section that describes the OID obtained from said MIB processing section as tag information in XML.**

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the invention of Anderson et al. with that of Trzcinko et al. because such a combination would provide the users of Anderson et al. with a system and method for using a web browser to manage network devices including a network management station which has a web browser to submit Hyper Text Transfer Protocol

(HTTP) requests for a mark-up language file that contains one or more embedded object identifiers and a network device which has an embedded web server to process the HTTP requests (paragraph block 0003).

13. **Regarding claims 1 – 3 and 6 – 9**, the claims incorporate substantially similar subject matter as claims 4 and 5, and are rejected along the same rationale.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following are generally directed to MIBs and their OIDs:

Land; Robert A. et al.	US 20070150619
Ramberg, Jon R. et al.	US 20050034029
Motoyama, Tetsuro	US 20040205207
Motoyama, Tetsuro et al.	US 20040128315
Ball, Scott et al.	US 20030046390
Liming, Richard	US 20020055924
RAMBERG, JON R et al.	US 20020000464
Katsandres; James T. et al.	US 6356949
Aggarwal, Vikas	US 20040088386
Yang-Huffman, Siew-Hong	US 20030110252
Muller, Nathan J.,	Web-accessible Network Management Tools
Jenkins, Ron,	Why Web-based Network Monitoring?
	Leveraging the Platform


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Hillery whose telephone number is (571) 272-4091. The examiner can normally be reached on M - F, 10:30 a.m. - 7:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on (571) 272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



NH

Nathan Hillery
Examiner
Art Unit 2176